

5490. Adulteration and misbranding of pork and beans. U. S. * * * v. 300 Cases of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8187. I. S. No. 22204-m. S. No. W-173.)

On March 19, 1917, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of pork and beans, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on March 14, 1917, by O. A. Nelson & Co., a corporation, San Francisco, Cal., and was being transported from the State of California into the State of Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Thelma Brand Pork and Beans * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted of pork and soya beans, which had been substituted for navy beans.

Misbranding was alleged in substance for the reason that the statement appearing on the label, to wit, "Thelma Brand Pork and Beans, Thelma Brand Pork and Beans are unexcelled as a nutritious and palatable food product, contains only 5 per cent of starch," purported to show and indicated that the said beans were navy beans, whereas, in truth and in fact, they were soya beans, and the said statement was false and misleading, and deceived and misled the purchaser.

On April 9, 1917, the said O. A. Nelson & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*